

Serial No.: 09/965,371

Attorney Docket No.: 2001P17795US

REMARKS

The Examiner has noted that the Declaration is defective because it was not signed. The Applicants provide herewith a copy of the Response to Notice of Missing Parts and the signed Declaration submitted therewith. Moreover, in the Transaction History Section of the PAIR system, there is an entry dated March 25, 2002 indicating that the application was complete at that time.

Upon entry of the instant Amendment, Claims 1-24 are pending. Claims 5, 6, and 11, and 12 have been amended to provide a clarification and into independent form including all the limitations of the base claim and intervening claims. Claims 1, 7, 13, 14, and 17 have been amended to more particularly point out Applicant's invention. Claim 16 has been amended to correct a typographical error.

Applicant gratefully acknowledges that claims 5, 6, and 11, 12 were indicated to be allowable if amended into independent form including all the limitations of the base claim and any intervening claims. The claims have been so amended and thus should be allowable. Applicant notes, however, that the last occurrence of "preactivation" has been changed to "activation" in these claims to correct a typographical error.

Claim 16 was objected to because of a typographical error. The claim has been amended to correct the error.

Claims 1-3 and 7-9 were rejected under 35 U.S.C. 102(e) as being anticipated by Fingerhut, U.S. Patent No. 6,636,489 ("Fingerhut"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Fingerhut.

As described in the Specification, aspects of the present invention relate to an improved system and method for activating a cellular telephone. A method according to an embodiment of the present invention includes providing a user with a personal identification number upon purchase of the cell phone. The cell phone then ships, while the cellular network activates the telephone in a preactivation mode. In certain embodiments, in the preactivation mode, the cellular telephone's telephone number, the

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PIN, and other activation information, such as the telephone serial number, are received from a local switch and propagate out from a central switching center, such as the customer service center. When the customer receives the telephone, he turns it on. This is detected by a local switch, which accesses its (or an associated) database to determine that the telephone is in preactivation mode. Next, the switch sends this information to a PIN Collection Unit, such as an interactive voice response (IVR) unit, where the PIN is collected. If the PIN is entered correctly, the PIN Collection unit informs the switch's database which puts the telephone into a fully active mode. The telephone is then ready for use within the switch's service area, i.e., the user can make telephone calls. The switch then sends the fully activated update message to other switch databases in the network. Later, if the user travels outside his switch area of service, the telephone will be functional.

Thus, claims 1 and 7 have been amended to recite "a plurality of local switches including one or more databases of preactivation information and adapted to detect a power-on of a cellular telephone, access said one or more databases of preactivation information, activate said cellular telephone at a local switch responsive to information contained in said preactivation databases, and forward activation information to said central database."

In contrast, Fingerhut does not appear to relate to storing preactivation information or activation information locally or initially activating a telephone at a local switch and propagating that information to other switches (i.e., network-wide), as generally recited in the claims at issue. Instead, Fingerhut provides for sending an activation request to a gateway activation unit 14, which then communicates with a service provider gateway 27 for authorization to activate. In contrast, with the present invention, preactivation information is distributed to local switches; when a request for activation is made, the local switch can activate the phone, and then inform other switches (or the central controller, which will then inform other switches). In this way, the cell phone user need not wait for a central network-wide activation in order to make calls. Thus, if anything, Fingerhut is representative of problems solved by the present invention. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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Claims 4, 10, 13, and 17-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut in view of Lipsit, U.S. Patent No. 5,956,636 ("Lipsit"). Applicant notes that the rejection also appears to include claims 14-16. Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Fingerhut or Lipsit, either singly or in combination.

Fingerhut has been discussed above. Lipsit is relied on for allegedly teaching sending an indication when a password is verified.

Claim 17 has been amended to recite:

- associating a password with a cellular telephone;
- providing said password and preactivation information from a distribution center or point of sale to a central control center;
- propagating said password and preactivation information from said central control center to one or more local switches;
- detecting a power on of said cellular telephone at one of said local switches;
- verifying said password at said one of said local switches;
- activating said cellular telephone at said local switch responsive to said verifying;
- and providing activation information responsive to said activating from said local switch to said central control center and other local switches

Thus, like the claims discussed above, claim 17 relates to activating a cell phone at a local switch using preactivation information and transmitting activation information to other switches. As noted above, Fingerhut does not provide such teachings. Lipsit similarly fails to provide such teachings. Instead, like Fingerhut, Lipsit appears to relate to transmitting activation information to a central server and then activating the cell phone network-wide. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Newly added claim 21-24 are similar to allowed claims 5-6 and 11-12, although they recite "distribution points" or "distribution centers." These claims are likewise believed allowable.

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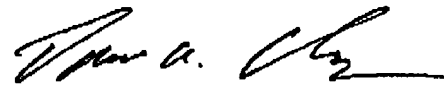
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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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